

## ANALYSIS

This ordinance amends Title 5 - Personnel of the Los Angeles County Code, Section 5.25, County of Los Angeles Deferred Compensation and Thrift Plan, to grandfather certain employee contributions.

RAYMOND G. FORTNER, JR.  
County Counsel

By:   
HALVOR S. MELOM  
Principal Deputy County Counsel  
Labor & Employment Division

HSM:asv

Requested: 10/12/07

Revised: 11/14/07

**ORDINANCE NO. 2007-0116**

An ordinance amending Title 5—Personnel, of the Los Angeles County Code to grandfather certain employee contributions to the Deferred Compensation & Thrift Plan Horizons.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Subsection 5.25.020 is hereby amended to read as follows:

...

Q. "Eligible Employee" means a full-time permanent Employee (i) who is within an employment classification established by the County, (ii) who is a member of the Los Angeles County Employees Retirement Association ("LACERA") or the Judges Retirement System, and (iii) to whom eligibility to participate in this Plan has been extended pursuant to a memorandum of understanding or other authorization approved by the Board. For purposes hereof, "full-time permanent" means any Employee appointed to an "A," "L," or "N" item pursuant to Title 6 of the Los Angeles County Code or any Employee appointed to a "D" item pursuant to said Title 6 who is required to possess a California license to practice as a Registered Nurse. Any Employee who would otherwise cease to be an Eligible Employee because of a change in employment classification and/or withdrawal from a representation unit shall remain an Eligible Employee until the last day of the month following the month in which such change or withdrawal occurs or such later date as the CAO may provide. Effective as of December 1, 1993, Special Eligible Employees as defined in Section 5.25.020 OO shall

be treated as if they are Eligible Employees until March 31, 2004 for purposes of making Deferred Compensation Contributions and Matching Contributions.

**SECTION 2.** Subsection 5.25.020 is hereby amended to read as follows:

...

OO. "Special Eligible Employee" means each of the Employees designated by the Board of Supervisors of the County in the resolution enacting Ordinance No. 2007-0116 who until March 31, 2004 shall be treated as if they are an Eligible Employee for purposes of making Deferred Compensation Contributions and Matching Contributions, notwithstanding the Employee's change in employment classification to other than full-time permanent.

PP. "TPA" means the third-party administrator who has entered into a contract with the County to provide record-keeping and other administrative services for the Plan.

QQ. "Trial Court Act" means the Trial Court Employment Protection and Governance Act, California Government Code Section 71600 et seq.

RR. "Trial Court Employee" means a "trial court employee," as defined under the Trial Court Act, who is an Eligible Employee.

SS. "Trial Court Entity" means each Los Angeles County Municipal Court, Los Angeles County Superior Court, and each unified, successor trial court entity (or portion thereof) established in the County of Los Angeles pursuant to California Government Code Section 70200 et seq.

TT. "Trust Agreement" means an agreement(s) executed by the County and a Trustee which establishes either a trust fund or custodial account to provide for the investment, reinvestment, administration and distribution of contributions made under the Plan and the earnings thereon, as amended from time to time.

UU. "Trust Fund" means the assets of the Plan held by the Trustee pursuant to the Trust Agreement.

VV. "Trustee" means the one or more persons or entities who have entered into a Trust Agreement as a trustee or custodian, and any duly appointed successor. For these purposes, the custodian of any custodial account created for the purposes of holding Plan assets must be a bank, as described in Code Section 408(n), or a person who meets the nonbank trustee requirements of paragraphs (2)-(6) of section 1.408-2(e) of the Income Tax Regulations relating to the use of non-bank trustees.

WW. "Valuation Date" means the date with respect to which the value of the assets comprising the Trust Fund or any portion thereof is determined. Unless otherwise determined by the Administrative Committee, a Valuation Date occurs each day.

ZZ. "Year of Service" for any Employee or former Employee means any Plan Year in which such Employee or former Employee was employed by the County and was a Participant in the Plan or was a "Participant" in the Savings Plan sponsored by the County.

**SECTION 3.** Section 5.25.030 is hereby amended to read as follow:

A. An Eligible Employee may become a Participant in the Plan by entering into a Participation Agreement with the County before an Entry Date. The Participant's election to defer Eligible Earnings shall become effective with respect to Eligible Earnings payable to the electing Eligible Employee for services rendered to the County on or after the next Entry Date following the execution of such Participation Agreement. Such Participation Agreement shall remain effective for a minimum of one calendar month and shall be effective thereafter for so long as the Participant remains an Eligible Employee unless revoked or modified by the Participant. The Participant may revoke or modify a Participation Agreement by providing notice, in accordance with procedures authorized by the County, prior to the commencement of the calendar month for which the revocation or modification is to be effective.

**SECTION 4.** Section 5.25.165 is added to read as follows:

**5.25.165 Cessation of contributions upon ceasing to be an Eligible**

**Employee; Exception for Special Eligible Employees.**

Under existing Plan rules, a Participant who ceases to be an Eligible Employee may no longer be covered by a Participation Agreement and thus may not have Deferred Compensation Contributions or Matching Contributions made for him or her until he or she again commences participation pursuant to Section 5.25.030. Notwithstanding the foregoing, effective December 1, 1993, a Special Eligible Employee may continue to have Deferred Compensation and Matching Contributions made for him or her provided that no Deferred Compensation Contributions or Matching Contributions will be made

on behalf of any Special Eligible Employee for services performed after March 31, 2004 until he or she again commences participation pursuant to Section 5.25.030.

**SECTION 5.** Pursuant to Government Code Section 25123(f), this ordinance shall take effect immediately upon final passage.

\*The Executive Office/Clerk of the Board of Supervisors shall insert the effective ordinance number provided for the classification added in Subsection 5.25.020 of the County Code.

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SECTION 6. This ordinance shall be published in The Metropolitan News a newspaper printed and published in the County of Los Angeles.



Gloria B. Burke  
Chair

ATTEST:

Sachi A. Hamai  
Sachi A. Hamai  
Executive Officer -  
Clerk of the Board of Supervisors  
County of Los Angeles

I hereby certify that at its meeting of December 11, 2007 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Supervisors Gloria Molina  
Zev Yaroslavsky  
Don Knabe  
Michael D. Antonovich  
Yvonne B. Burke

Noes

Supervisors None

Effective Date: December 11, 2007

Operative Date:

Sachi A. Hamai  
Sachi A. Hamai  
Executive Officer -  
Clerk of the Board of Supervisors  
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

SACHI A. HAMAI  
Executive Officer  
Clerk of the Board of Supervisors

By [Signature]  
Deputy



APPROVED AS TO FORM:  
RAYMOND G. FORTNER, JR.  
County Counsel

By [Signature]  
Leela Kapur  
Chief Deputy County Counsel